

Court of Common Pleas
Civil Cover Sheet
WESTMORELAND County



For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☐ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name: WELLS FARGO BANK, N.A.,
 S/B/M TO WELLS FARGO HOME MORTGAGE, INC.

Lead Defendant's Name: WILLIAM J. MONSOUR

Are money damages requested? ☐ Yes ☒ No

Dollar Amount Requested: ☐ within arbitration limits
 (Check one) ☒ outside arbitration limits

Is this a Class Action Suit? ☐ Yes ☒ No

Is this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Robert W. Cusick, Esq., Id. No.80193, Phelan Hallinan & Schmieg, LLP
☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute: Discrimination
☐ Employment Dispute: Other

☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☒ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

WELLS FARGO BANK, N.A., S/B/M TO WELLS
FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff(s)

Vs.

WILLIAM J. MONSOUR
SANDRA L. BEHE
1052 DEARBORN CIRCLE
GREENSBURG, PA 15601

Defendant(s)

Date Filed: _____

Case No: _____

Judge: _____

Counsel of Record:

Robert W. Cusick, Esquire

Attorney for: Plaintiff

Firm: Phelan Hallinan & Schmieg, LLP

Address: 1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103

Phone No. 215-563-7000

PLEASE ANSWER ALL OF THE FOLLOWING SECTIONS

- I. IS THIS A CIVIL ACTION-MEDICAL PROFESSIONAL LIABILITY? ☐ YES ☒ NO
- II. IS THE AMOUNT IN CONTROVERSY LESS THAN \$30,000.00? ☐ YES ☒ NO
- III. DO YOU ANTICIPATE THAT A TRIAL IN THIS CASE WILL TAKE MORE THAN 5 DAYS? ☐ YES ☒ NO
- IV. ARE THERE ANY RELATED CASES PENDING? ☐ YES ☒ NO
IF YES, PROVIDE CASE NO.
- V. DOES THIS CASE INVOLVED A CONSTRUCTION CONTRACT? ☐ YES ☒ NO
- VI. PLEASE INDICATE IF THE CAUSE OF ACTION IS ONE OF THE FOLLOWING:
- ☐ LAND USE APPEAL
 - ☐ CONDEMNATION
 - ☐ TAX CLAIM BUREAU CASE
 - ☐ APPEAL BOARD OF ASSESSMENT
 - ☐ PETITION TO GARNISH WAGES - LANDLORD/TENANT
 - ☐ APPEAL SUSPENSION DRIVER'S LICENSE/APPEAL SUSPENSION INSPECTION LICENSE
 - ☐ STATUTORY APPEAL
 - ☐ WRIT OF SEIZURE/COMPLAINT REPLEVIN
 - ☐ MOTION/PETITION CHANGE OF NAME
 - ☐ STATEMENT OF OBJECTION
 - ☒ OTHER - MORTGAGE FORECLOSURE - CIVIL COMPLAINT

VII. To the Prothonotary: Please enter my appearance on behalf of Plaintiff/Petitioner/Appellant.
Papers may be served at the address set forth above.

Signature: 
Robert W. Cusick, Esquire Id., No. 80193

Date: 2/28/12
January 30, 2012

- ☒ Prothonotary Copy ☐ Judge Copy ☐ Opposing Counsel Copy ☐ Counsel Copy

WELLS FARGO BANK, N.A., S/B/M TO WELLS
FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff(s)

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3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff(s)

Vs.

WILLIAM J. MONSOUR
SANDRA L. BEHE
1052 DEARBORN CIRCLE
GREENSBURG, PA 15601

Defendant(s)

Date Filed: _____

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Robert W. Cusick, Esquire

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WELLS FARGO BANK, N.A., S/B/M TO WELLS
FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

Plaintiff(s)

Vs.

WILLIAM J. MONSOUR
SANDRA L. BEHE
1052 DEARBORN CIRCLE
GREENSBURG, PA 15601

Defendant(s)

Date Filed: _____

Case No: _____

Judge: _____

Counsel of Record:

Robert W. Cusick, Esquire

Attorney for: Plaintiff

Firm: Phelan Hallinan & Schmieg, LLP

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PHELAN HALLINAN & SCHMIEG, LLP
Robert W. Cusick, Esq., Id. No.80193
1617 JFK Boulevard, Suite 1400
One Penn Center Plaza
Philadelphia, PA 19103
215-563-7000

ATTORNEY FOR PLAINTIFF

206741
WELLS FARGO BANK, N.A., S/B/M TO WELLS
FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

COURT OF COMMON PLEAS

CIVIL DIVISION

Plaintiff

TERM

v.

NO.

WILLIAM J. MONSOUR
SANDRA L. BEHE
1052 DEARBORN CIRCLE
GREENSBURG, PA 15601

WESTMORELAND COUNTY

Defendants

CIVIL ACTION - LAW
COMPLAINT IN MORTGAGE FORECLOSURE

NOTICE

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you, and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

WESTMORELAND COUNTY
129 N. PENNSYLVANIA AVE.
GREENSBURG, PA 15601
(724) 834-8490

1. Plaintiff is

WELLS FARGO BANK, N.A., S/B/M TO WELLS FARGO HOME MORTGAGE, INC.
3476 STATEVIEW BOULEVARD
FORT MILL, SC 29715

2. The name(s) and last known address(es) of the Defendant(s) are:

WILLIAM J. MONSOUR
SANDRA L. BEHE
1052 DEARBORN CIRCLE
GREENSBURG, PA 15601

who is/are the mortgagor(s) and/or real owner(s) of the property hereinafter described.

3. On 08/29/2002 WILLIAM J. MONSOUR and SANDRA L. BEHE made, executed and delivered a mortgage upon the premises hereinafter described to PLAINTIFF which mortgage is recorded in the Office of the Recorder of WESTMORELAND County, in Instrument No. 200209060057169. The mortgage and assignment(s), if any, are matters of public record and are incorporated herein by reference in accordance with Pa.R.C.P. 1019(g); which Rule relieves the Plaintiff from its obligations to attach documents to pleadings if those documents are of public record.
4. The premises subject to said mortgage is described as attached.
5. The mortgage is in default because monthly payments of principal and interest upon said mortgage due 02/01/2009 and each month thereafter are due and unpaid, and by the terms of said mortgage, upon failure of mortgagor to make such payments after a date specified by written notice sent to Mortgagor, the entire principal balance and all interest due thereon are collectible forthwith.

6. The following amounts are due on the mortgage as of 11/30/2011:

Principal Balance	\$147,653.96
Interest 01/01/2009 through 11/30/2011	\$24,729.90
Late Charges	\$270.93
Property Inspections	\$360.00
Escrow Deficit	\$19,582.38
Corporate Advance	(\$194.10)
TOTAL	\$192,403.07

7. Plaintiff is not seeking a judgment of personal liability (or an in personam judgment) against the Defendant(s) in the Action; however, Plaintiff reserves its right to bring a separate Action to establish that right, if such right exists. If Defendant(s) has/have received a discharge of personal liability in a bankruptcy proceeding, this Action of Mortgage Foreclosure is in no way an attempt to reestablish such personal liability discharged in bankruptcy, but only to foreclose the mortgage and sell the mortgaged premises pursuant to Pennsylvania Law.
8. Notice of Intention to Foreclose as set forth in Act 6 of 1974 and/or Notice of Default as required by the mortgage document, as applicable, have been sent to the Defendant(s) on the date(s) set forth thereon.

WHEREFORE, Plaintiff demands an in rem judgment against the Defendant(s) in the sum of \$192,403.07 together with interest, costs, fees, and charges collectible under the mortgage including but not limited to attorney fees and costs, and for the foreclosure and sale of the mortgaged property.

PHELAN HALLINAN & SCHMIEG, LLP

By: 

Robert W. Cusick, Esquire
Attorney for Plaintiff

LEGAL DESCRIPTION

The land referred to is situated in the Township of Unity, County of Westmoreland, Commonwealth of Pennsylvania, is described as follows: All that certain lot of ground situate in the Township of Unity, County of Westmoreland and Commonwealth of Pennsylvania, being known as Lot No. 2 in the Clovelly Plan of Lots, unrecorded, and being more particularly bounded and described as follows, to wit:

Beginning at a monument on a corner formed by land now or formerly of Unity Township School district, land recently conveyed to James E. Scott, et ux., being Lot No. 1 and the land herein described; thence from Point of Beginning and along line of land now or formerly of Unity Township School District, North 40 degrees 35 minutes 40 seconds East, a distance of 120.0 feet to an iron pin at line of land now or formerly of J. Rush Snyder, et ux., being Lot No. 3; thence along land now or formerly of J. Rush Snyder, et ux., South 49 degrees 24 minutes 20 seconds East, a distance of 130.0 feet to an iron pin on Clovelly Drive, a 40 foot street; thence along said Clovelly Drive, South 40 degrees 35 minutes 40 seconds West, a distance of 120.0 feet to an iron pin at line of land now or formerly of James E. Scott, et ux., being Lot No. 1; thence along line of land now or formerly of James E. Scott, et ux., North 49 degrees 24 minutes 20 seconds West, a distance of 130.0 feet to the monument at the Place of Beginning.

PROPERTY ADDRESS: 1052 DEARBORN CIRCLE, GREENSBURG, PA 15601

PARCEL # 61-12-07-0-005-00-00

VERIFICATION

Varsha Thacker, hereby states that he/she is Vice President Loan Documentation of WELLS FARGO BANK, N.A., plaintiff or mortgage servicing agent for plaintiff in this matter, that he/she is authorized to make this Verification, and verify that the statements made in the foregoing Civil Action in Mortgage Foreclosure are true and correct to the best of his/her information and belief. The undersigned understands that this statement is made subject to the penalties of 18 Pa. C.S. Sec. 4904 relating to unsworn falsification to authorities.



Name: Varsha Thacker

DATE: 2-15-12

Title: Vice President Loan Documentation

JONATHAN HELD, SHERIFF OF WESTMORELAND COUNTY

2 NORTH MAIN STREET

GREENSBURG, PA 15601

(724) 830-3457 Fax (724) 830-3808 DATE: _____

206741

LAST DAY TO SERVE: _____

PLAINTIFF: WELLS FARGO BANK, N.A.

VS.

DEFT(S): SANDRA L. BEHE

SERVE: SANDRA L. BEHE

(DEFT(S)/GARNISHEE)

ADDRESS: 1052 DEARBORN CIRCLE, GREENSBURG, PA 15601

DIVORCED: ONE CAN'T ACCEPT FOR THE OTHER

INDICATE TYPE OF SERVICE

☐ PERSON IN CHARGE☐ PERSONAL ONLY☐ DEPUTIZE☐ POST☐ CERTIFIED MAIL☐ SEIZE/STORE☐ OTHER _____

SHERIFF'S OFFICE USE ONLY

I hereby CERTIFY and RETURN that on the _____ day of _____, 20____, at _____ o'clock A.M./P.M.
Address Above/Address Below, County of Westmoreland Pennsylvania I have served in the manner Described below:

☐ Defendant(s) personally served☐ Adult in charge of Defendant's residence at time of service (name & relationship) _____☐ Manager/other person authorized to accept _____☐ Agent or person in charge of Defendant(s) office or usual place of business _____☐ Other _____☐ Property Posted _____Defendant Not Found because: ☐ Moved ☐ Unknown ☐ No Answer ☐ Vacant ☐ Other _____☐ Attempts made by leaving Sheriff's Card No response _____☐ Certified Mail ☐ 1st Class Mail ☐ Ordinary Mail/Certificate of Mailing _____

ATTEMPTS _____ / _____ / _____

DEPUTY'S REMARKS:

DEPUTY'S SIGNATURE: _____

Advanced monies received \$	West'd Sheriff's Costs \$	Deputized Cty Costs \$	TOTAL COSTS RECORDED \$
--------------------------------	------------------------------	---------------------------	----------------------------

Refund

\$

Additional Amt Owed

\$

NOW: _____ 20____ I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputized the
Sheriff of _____ County to execute this Writ and make return thereof according to law.

Deputized Cty Ck # _____ Advance Amt \$ _____

Deputized Notary Ck \$ _____

SHERIFF

AFFIRMED and subscribed to before me this
_____ day of _____ 20____

Deputized Sheriff

Date

Notary Public/Prothonotary

Signature of Sheriff (Westmoreland Co)

Date

JONATHAN HELD, SHERIFF OF WESTMORELAND COUNTY

206741

2 NORTH MAIN STREET

GREENSBURG, PA 15601

(724) 830-3457 Fax (724) 830-3808 DATE: _____

LAST DAY TO SERVE: _____

PLAINTIFF: WELLS FARGO BANK, N.A.

VS.

DEFT(S): WILLIAM J. MONSOURSERVE: WILLIAM J. MONSOUR
(DEFT(S)/GARNISHEE)ADDRESS: 1052 DEARBORN CIRCLE, GREENSBURG, PA 15601

DIVORCED: ONE CANT ACCEPT FPOR THE OTHER

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ATTEMPTS _____ / _____ / _____

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DEPUTY'S SIGNATURE: _____

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Refund \$	Additional Amt Owed \$
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NOW: _____ 20____ I, SHERIFF OF WESTMORELAND COUNTY, PA do hereby deputized the Sheriff of _____ County to execute this Writ and make return thereof according to law.

Deputized Cty Ck # _____ Advance Amt \$ _____

Deputized Notary Ck \$ _____

SHERIFF

AFFIRMED and subscribed to before me this

_____ day of _____ 20____

Deputized Sheriff

Date

Notary Public/Prothonotary

Signature of Sheriff (Westmoreland Co)

Date